

REMARKS

Status of the Claims

Claim 31 has been canceled without prejudice or disclaimer. Claims 1, 4, 6, 7, 11, 14, 17, 28, and 32-34 have been amended. No new matter has been added. Claims 1-7, 11, 14-18, 20-25, 28-30, and 32-35 are pending in the application.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

The Office has rejected claims 6, 7, and 34, at paragraphs 2-3 of the Final Office Action, under 35 U.S.C. § 112, second paragraph, and asserts that the term “substantially” renders the claims indefinite. Assignee respectfully submits that claim 33, and not claim 34, includes the term “substantially.” Assignee has amended claims 6, 7, and 33. Accordingly, Assignee respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph rejections.

Claims 1, 2, 4, 28-30, and 32 are Allowable

The Office has rejected claims 1, 2, 4, and 28-32, at paragraphs 4-6 of the Final Office Action, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Pat. App. Pub. No. 2004/0225733 (“Tesink”) in view U.S. Patent No. 7,418,086 (“Sravanapudi”). Claim 31 has been canceled without prejudice or disclaimer. Assignee respectfully traverses the remaining rejections.

Claim 1 has been amended to incorporate subject matter that the Office has indicated, at paragraph 13 of the Final Office Action, as allowable. Hence, claim 1 is allowable. Claims 2, 4, 28-30, and 32 are allowable, at least by virtue of their dependence from an allowable claim.

Claim 34 is Allowable

The Office has rejected claim 3, at paragraph 7 of the Final Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Tesink, in view of Sravanapudi, and further in view of U.S. Patent No. 7,499,529 (“Kvache”). Assignee respectfully traverses the rejection.

Claim 34 depends from claim 1. As explained above, claim 1 has been amended to incorporate subject matter that the Office has indicated, at paragraph 13 of the Final Office Action, as allowable. Hence, claim 1 is allowable. Therefore, claim 34 is allowable, at least by virtue of its dependence from an allowable claim.

Claim 33 is Allowable

The Office has rejected claim 3, at paragraph 8 of the Final Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Tesink, in view of Sravanapudi, and further in view of U.S. Patent No. 6,643,355 (“Tsumpes”). Assignee respectfully traverses the rejection.

Claim 33 depends from claim 1. As explained above, claim 1 has been amended to incorporate subject matter that the Office has indicated, at paragraph 13 of the Final Office Action, as allowable. Hence, claim 1 is allowable. Therefore, claim 33 is allowable, at least by virtue of its dependence from an allowable claim.

Claim 3 is Allowable

The Office has rejected claim 3, at paragraph 9 of the Final Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Tesink, in view of Sravanapudi, and further in view of U.S. Pat. App. Pub. No. 2011/0096918 (“Lee”). Assignee respectfully traverses the rejection.

Claim 3 depends from claim 1. As explained above, claim 1 has been amended to incorporate subject matter that the Office has indicated, at paragraph 13 of the Final Office Action, as allowable. Hence, claim 1 is allowable. Therefore, claim 3 is allowable, at least by virtue of its dependence from an allowable claim.

Claims 5-7 are Allowable

The Office has rejected claims 5-7, at paragraph 10 of the Final Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Tesink, in view of Sravanapudi, and further in view of U.S. Pat. App. Pub. No. 2004/0125931 (“Archer”). Assignee respectfully traverses the rejections.

Claims 5-7 depend from claim 1. As explained above, claim 1 has been amended to incorporate subject matter that the Office has indicated, at paragraph 13 of the Final Office Action, as allowable. Hence, claim 1 is allowable. Therefore, claims 5-7 are allowable, at least by virtue of their dependence from an allowable claim.

Claims 11, 14, 15, 17, 18, and 20 are Allowable

The Office has rejected claims 11, 14, 15, and 17-20, at paragraph 11 of the Final Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Tesink in view of Sravanapudi.

Assignee respectfully submits that claim 19 was previously canceled without prejudice or disclaimer. Assignee respectfully traverses the remaining rejections.

Claim 11 has been amended to incorporate subject matter that the Office has indicated, at paragraph 13 of the Final Office Action, as allowable. Hence, claim 11 is allowable. Claims 14, 15, 17, 18, and 20 are allowable, at least by virtue of their dependence from an allowable claim.

Claim 16

The Office has rejected claim 16, at paragraph 11 of the Final Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Tesink, in view of Sravanapudi, , and further in view of U.S. Pat. App. Pub. No. 2005/0086685 (“Rohman”). Assignee respectfully traverses the rejection.

Claims 16 depend from claim 11. As explained above, claim 11 has been amended to incorporate subject matter that the Office has indicated, at paragraph 13 of the Final Office Action, as allowable. Hence, claim 11 is allowable. Therefore, claim 16 is allowable, at least by virtue of its dependence from an allowable claim.

Claims 21-25 and 35

Assignee thanks the Office for indicating, at paragraph 13 of the Final Office Action, that claims 21-25 and 35 are allowable. The Office has provided an interpretation, at paragraph 13 of the Final Office Action, of various claim elements related to claims 21-25 and 35. The MPEP dictates that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. *See* MPEP § 2111.01. Further, it is improper to import claim limitations from the specification that are not part of the claim. *See* MPEP § 2111.01. Assignee respectfully objects to the Office’s interpretation to the extent the Office’s interpretation is inconsistent with the plain meaning of the claims and imports limitations from the specification that are not part of the claim. Assignee respectfully submits that claims 21-25 and 35 remain in condition for allowance.

CONCLUSION

Assignee has pointed out specific features of the claims not disclosed or rendered obvious by the cited portions of the above-cited references applied in the Final Office Action. Assignee respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response that have not been specifically noted to overcome a rejection based upon the cited portions of the above-cited references should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

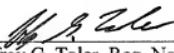
The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

10-6-2011

Date



Jeffrey G. Toler, Reg. No. 38,342
TOLER LAW GROUP
8500 Bluffstone Cove, Suite A201
Austin, TX 78759
Telephone: (512) 327-5515
Facsimile: (512) 327-5575